



PATENT *DAE*  
*ZJW*  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : By the Examiner:  
Jake J. Crowley :  
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Serial No.: 10/656,046 : Group Art Unit:  
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: :  
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Filed: September 5, 2003

Title: Shopping Cart Brake System

Mail Stop PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

<p><b>CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(A)</b></p> <p>Date of Mailing: <u>June 28, 2005</u></p> <p>I hereby certify that this correspondence is, on the date shown above, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:</p> <p>Mail Stop PETITIONS Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p>Type or Print Name <u>Martha Rocha</u></p> <p><i>Martha Rocha</i></p> <p>Signature</p>
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Dear Sir:

TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified US Nonprovisional application for patent are the following documents:

1. Renewed Petition Under 37 CFR 1.137(b)-Request for Reconsideration;
2. Copy of Decision on the Petition dated April 28, 2005;
3. Letter to Director of the US Patent and Trademark Office - Refund;
4. Copy of Response to Missing Parts filed on December 20, 2004 for US10/923512;
5. Copy of Deposit Account Statement for Deposit Acct. No. 50-1259 from December 30, 2004 thru January 11, 2005; and
6. Confirmation Postcard.

The Commissioner is hereby authorized to charge the fees of \$750, the fees associated with this communication or credit any overpayment to Galasso & Associates Deposit Account No. 50-3446 under Reference Number 1685.0300001.

*2453*

Respectfully submitted,  
Jake J. Crowley

By: Raymond M. Galasso  
Raymond M. Galasso  
Reg. No. 37,832

GALASSO & ASSOCIATES, LP  
P.O. Box 26503  
AUSTIN, TEXAS 78755-0503  
TELEPHONE: (512) 306-8533  
FACSIMILE: (512) 306-8559



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:  
Jake J. Crowley

By the Examiner:

Serial No.: 10/656,046

Group Art Unit:

Filed: September 5, 2003

Title: Shopping Cart Brake System

Mail Stop PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(A)

Date of Mailing: June 28, 2005

I hereby certify that this correspondence is, on the date shown above, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Type or Print Name Martha Rocha

*Martha Rocha*  
Signature

Dear Sir:

**RENEWED PETITION UNDER 37 CFR 1.137(b)  
REQUEST FOR RECONSIDERATION**

This letter is submitted in response to a decision on the petition under 37 CFR 1.137(b) filed December 29, 2004, to revive the above-identified application.

The petition was dismissed due to insufficient funds in Deposit Account No. 50-1259 to charge the required petition fee.

Applicant respectfully request reconsideration of it's Petition filed on December 29, 2004. Applicant will show that sufficient funds were available in Deposit Account No. 50-1259 to charge the required petition fees.

Applicant filed it's Petition for Revival of an Application for Patent Abandoned Unintentionally on December 29, 2004. A total of \$750 was authorized to be charged to Deposit Account No. 50-1259. These fees were available in Deposit Account No. 50-1259. However, according to the Deposit Account statement from December 29, 2004 thru January 11, 2005 for Deposit Account No. 50-1259, the records show that the USPTO made an error and debited an additional amount of \$2976.00 for another application which caused there to be insufficient funds in Deposit Account No. 50-1259. A copy of the Deposit Account Statement for the above date range and a copy of the Response filed pertaining to these fees is enclosed. The evidence will show that the USPTO made an error and debited a total of \$5720.00 for US 10/923512. The total amount of \$2744 should have been debited for US 10/923512 and not \$5720. This caused Deposit Account

No. 50-1259 to have a negative balance. Reflecting a difference of \$2976. Had this error not been caused, sufficient fees of \$2976 would have been available in this account. Applicant also encloses a copy of correspondence sent to the Refund Branch requesting a credit for the \$2976 to Deposit Account No. 50-1259.

Applicant believes that the evidence will show that sufficient fees were available in this account and therefore respectfully requests that this Request be granted. Applicant respectfully requests that this Application be restored to active status.

The Commissioner is hereby authorized to charge payment of \$750.00 to Galasso & Associates Deposit Account No. 50-3446 under Reference No. 1685.0300001.

Respectfully submitted,  
Jake J. Crowley

By: Raymond M. Galasso  
Raymond M. Galasso  
Reg. No. 37,832

GALASSO & ASSOCIATES, LP  
P.O. BOX 26503  
AUSTIN, TEXAS 78755-0503  
TELEPHONE: (512) 306-8533  
FACSIMILE: (512) 306-8559

1685-0300001



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

DOCKETED  
Date: 5/13/05  
By: [Signature]

OIPET  
JUL 01 2005  
PATENT & TRADEMARK OFFICE

RAYMOND M. GALASSO  
SIMON, GALASSO & RRANTZ PLC  
P.O. BOX 26503  
AUSTIN TX 78755-0503

SIMON GALASSO  
MAY 02 2005  
RRANTZ PLC

COPY MAILED

APR 28 2005

OFFICE OF PETITIONS

In re Application of  
Jake J. Crowley  
Application No. 10/656,046  
Filed: September 5, 2003  
Attorney Docket No. None

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 3, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b)<sup>1</sup> must be accompanied by: (1) the required reply,<sup>2</sup> unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by

<sup>1</sup> As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

<sup>2</sup> In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (2).

Insufficient funds in deposit account no. 50-1259 to charge the required petition fee as set forth in 37 CFR 1.17(m).


Further correspondence with respect to this matter should be addressed as follows:

By mail:            Mail Stop PETITIONS  
                    Commissioner for Patents  
                    Post Office Box 1450  
                    Alexandria, VA 22313-1450

By hand:           Customer Window located at:  
  
                    Randolph Building  
                    401 Dulany Street  
                    Alexandria, VA 22314

By fax:            (703) 872-9306  
                    ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

  
Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



LAW OFFICES  
**SIMON, GALASSO & FRANTZ, PLC**  
6300 BRIDGEPOINT PARKWAY  
BUILDING ONE, SUITE 410A  
AUSTIN, TEXAS 78730  
Telephone 512-231-1311  
Facsimile 512-231-1411  
[rgalasso@sgfattorneys.com](mailto:rgalasso@sgfattorneys.com)  
[www.sgfattorneys.com](http://www.sgfattorneys.com)

363 W. Big Beaver Road, Suite 300  
Troy, Michigan 48084  
Telephone: 248-720-0290  
Facsimile: 248-720-0291

[Via Facsimile: 703-308-5077 and]  
[Via US First Class Mail]  
Mail Stop 16  
Director of the US Patent and Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450

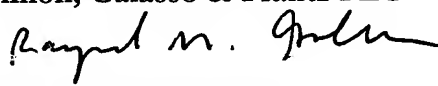
Re Refund of \$2976 to Deposit Account No. 50-1259 for Simon, Galasso & Frantz

Dear Sir or Madam:

In viewing our Deposit Account Statement from the dates of December 30, 2004 thru January 11, 2005, it has come to our attention that you overcharged/debited Deposit Account 50-1259 an additional \$2976.

On December 20, 2004, we filed a Response to Missing Parts for US10/923512. You were authorized to charge a TOTAL of \$2744 for US10/923512. According to the statement you debited a total of \$5720.00 for US10/923512. A copy of the Response filed that shows the total amount to be charged to Deposit Account 50-1259 is enclosed. A copy of the Statement from December 30, 2004 to January 11, 2005 is also enclosed. You will find that you overcharged our account \$2976. This amount needs to be credited IMMEDIATELY.

We request that you IMMEDIATELY credit/refund the total of \$2976 to Deposit Account No. 50-1259. Should you have any questions, you are to contact our office immediately. Thank you.

Sincerely,  
Simon, Galasso & Frantz PLC  
  
Raymond M. Galasso

RMG/mr  
Encls.



12/20/2004

CSSC 1651.030003

RMG/mr

Date Mailed

In re nonprovisional application of: Eric S. Smith and Joseph S. Simko

USSN: 10/923,512

Filing Date: August 20, 2004

For: DECISION ASSISTANCE PLATFORM CONFIGURED FOR FACILITATING  
FINANCIAL CONSULTING SERVICES

Receipt is hereby acknowledged in the USPTO of the following in connection with the above  
referenced nonprovisional application on the date stamped thereon:

- 1) Transmittal Letter;
- 2) Response To Notice To File Missing Parts of Nonprovisional Application;
- 3) Part 2-Copy of Notice To File Missing Parts of Nonprovisional Application;
- 4) Original fully executed Declaration And Power of Attorney; and
- 5) Confirmation Postcard. Please stamp date and return.



BEST AVAILABLE COPY



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Eric S. Smith et al.

By the Examiner:

Serial No.: 10/923,512

Group Art Unit:

Filed: August 20, 2004

Title: Decision Assistance Platform Configured For Facilitating Financial Consulting Services



Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

## CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(A)

Date of Mailing: December 20, 2004

I hereby certify that this correspondence is, on the date shown above, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Type or Print Name: Martha Rocha

Signature

Dear Sir:

## TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified Nonprovisional application for patent are the following documents:

1. Response To Notice To File Missing Parts Of Nonprovisional Application;
2. Part 2-Copy of Notice To File Missing Parts Of Nonprovisional Application;
3. Fully original executed Declaration and Power of Attorney;
4. Confirmation Postcard.

The Commissioner is hereby authorized to charge the fees associated with this communication to Simon, Galasso & Frantz Deposit Account No. 50-1259 under Reference No. 1651.030003.

Respectfully submitted,  
 Eric S. Smith et al.

By:

Raymond M. Galasso  
 Reg. No. 37,832

SIMON, GALASSO & FRANTZ PLC  
 P.O. BOX 26503  
 AUSTIN, TEXAS 78755-0503  
 TELEPHONE: (512) 372-8240  
 FACSIMILE: (512) 372-8247

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Eric S. Smith et al.

Serial No.: 10/923,512

Filed: August 20, 2004

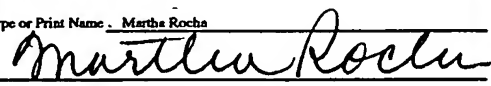
Title: Decision Assistance Platform Configured For Facilitating Financial Consulting Services



By the Examiner:

Group Art Unit:

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

<b>CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(A)</b>	
Date of Mailing: <u>December 20, 2004</u>	
I hereby certify that this correspondence is, on the date shown above, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:	
Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
Type or Print Name	<u>Martha Rocha</u>
	
Signature	

Dear Sir:

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NONPROVISIONAL APPLICATION**

This letter is submitted in response to the Notice To File Missing Parts of Nonprovisional Application dated October 19, 2004.

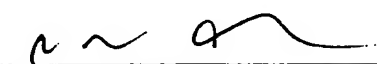
Applicant responds by submitting an original, fully executed Declaration and Power of Attorney, identifying the application by the above Application Number and Filing Date.

Applicant responds by paying the total missing fees of \$2744. This amount represents the statutory basic filing fee (\$790), total additional claim fee (\$1824), and late oath or declaration surcharge (\$130) as identified in the Notice To File Missing Parts of Nonprovisional Application dated October 19, 2004.

The Commissioner is hereby authorized to charge the fees associated with this communication to Simon, Galasso & Frantz Deposit Account No. 50-1259 under Reference No. 1651.030003.

Respectfully submitted,  
Eric S. Smith et al.

By:

  
Raymond M. Galasso  
Reg. No. 37,832

SIMON, GALASSO & FRANTZ PLC  
P.O. BOX 26503  
AUSTIN, TEXAS 78755-0503  
TELEPHONE: (512) 372-8240  
FACSIMILE: (512) 372-8247



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/923,512	08/20/2004	Eric S. Smith	1451.030003

SIMON, GALASSO & FRANTZ PLC.  
 P.O. Box 26503  
 Austin, TX 78755-0503



CONFIRMATION NO. 1988

## FORMALITIES LETTER



\*OC000000014121632\*

Date Mailed: 10/19/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 790 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$1824** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$2744** for a Large Entity


- **\$790** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$1824**

- \$528 for 6 independent claims over 3.
- \$1296 for 72 total claims over 20.

Replies should be mailed to:    Mail Stop Missing Parts  
   Commissioner for Patents  
   P.O. Box 1450  
   Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



12/09 50	60633580	ROSE950	2005	\$80.00	\$527.60
12/09 51	60633581	TALEBSON958	2005	\$80.00	\$447.60
12/09 52	60633582	BRENNAN933	2005	\$80.00	\$367.60
12/09 53	60633584	SPARK956	2005	\$80.00	\$287.60
12/09 88	60633710	ROSS951	2005	\$80.00	\$207.60
12/09 89	60633706	SAULBURY954	2005	\$80.00	\$127.60
12/09 90	60633707	RICHARDSON949	2005	\$80.00	\$47.60
12/13 23	60604950	JOHNSON832	2052	\$25.00	\$22.60
12/14 14	10978881		2001	\$22.60	-\$0.00
12/21 67	PAYMENT		9203	-\$6,500.00	\$6,500.00
12/22 128	60602133	KAZIMER814	2005	\$100.00	\$6,400.00
12/22 129	60602133	KAZIMER814	2052	\$25.00	\$6,375.00
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12/23 3	60633708		2005	\$80.00	\$6,190.00
12/23 4	60633708		2052	\$25.00	\$6,165.00
12/23 6	60633709		2005	\$80.00	\$6,085.00
12/23 7	60633709		2052	\$25.00	\$6,060.00
12/23 8	60633730		2005	\$80.00	\$5,980.00
12/23 9	60633730		2052	\$25.00	\$5,955.00
12/23 10	60633714		2005	\$80.00	\$5,875.00
12/23 11	60633714		2052	\$25.00	\$5,850.00
12/23 14	60633634		2005	\$100.00	\$5,750.00
12/23 15	60633634		2052	\$25.00	\$5,725.00
12/23 371	10495033	1495.SIH0001	8021	\$40.00	\$5,685.00
12/23 374	10923659		8021	\$40.00	\$5,645.00
12/23 407	60551545	1301.SUPACHILL15	8021	\$40.00	\$5,605.00
12/27 61	60637828	LICAR1989	2005	\$100.00	\$5,505.00
12/27 113	60638043	LOLMES988	2005	\$100.00	\$5,405.00
12/29 89	60585010	LAIRD 772	2005	\$80.00	\$5,325.00
12/29 90	60585010	LAIRD 772	2052	\$25.00	\$5,300.00
12/29 106	60566998		2005	\$80.00	\$5,220.00
12/29 107	60566998		2052	\$25.00	\$5,195.00
12/29 108	60566995		2005	\$80.00	\$5,115.00
12/29 109	60566995		2052	\$25.00	\$5,090.00
12/29 110	60566997	HOLLATZ710	2005	\$80.00	\$5,010.00
12/29 111	60566997	HOLLATZ710	2052	\$25.00	\$4,985.00
12/30 4	10994624		2001	\$395.00	\$4,590.00
12/30 5	10994624		2051	\$65.00	\$4,525.00
12/30 193	10923512	1651.03 0003	1001	\$790.00	\$3,735.00
12/30 194	10923512	1651.03 0003	1051	\$130.00	\$3,605.00
12/30 195	10923512	1651.03 0003	1201	\$1,200.00	\$2,405.00
12/30 196	10923512	1651.03 0003	1202	\$2,400.00	\$5.00
12/30 260	SERVICE CHARGE		9202	\$25.00	-\$20.00

START  
BALANCE  
\$20.00

SUM OF  
CHARGES  
\$13,540.00

SUM OF  
REPLENISH  
\$13,500.00

END  
BALANCE  
-\$20.00

*this total*  
4520.<sup>w</sup>  
-2744  
1776.<sup>w</sup>



**United States  
Patent and  
Trademark Office**

Return To:

USPTO  
Home  
PageFinance  
Online  
Shopping  
Page**Deposit Account Statement**

Requested Statement Month: January 2005  
 Deposit Account Number: 501259  
 Name: SIMON, GALASSO & FRANTZ PLC  
 Attention:  
 Address: P.O. BOX 4360  
 City: TROY  
 State: MI  
 Zip: 48098  
 Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
01/07	41	PAYMENT		9203	-\$3,000.00	\$2,980.00
01/10	87	29218821	1723.040038	2012	\$100.00	\$2,880.00
01/10	88	29218821	1723.040038	2112	\$50.00	\$2,830.00
01/10	89	29218821	1723.040038	2312	\$65.00	\$2,765.00
01/10	90	29218821	1723.040038	2051	\$65.00	\$2,700.00
01/11	110	10923512	1651.03 0003	1202	\$1,200.00	\$1,500.00
01/14	5	10923658		1001	\$790.00	\$710.00
01/14	6	10923658		1051	\$130.00	\$580.00
01/14	19	76520472	2502654-900105	6004	\$450.00	\$130.00
01/14	52	60608039		2005	\$80.00	\$50.00
01/18	10	60590719		2052	\$25.00	\$25.00
01/21	15	60566996		2052	\$25.00	\$0.00
01/21	33	PAYMENT		9203	-\$4,000.00	\$4,000.00
01/24	16	10887696		2001	-\$173.00	\$4,173.00
01/24	17	10887696	1723.040013	2001	\$395.00	\$3,778.00
01/24	18	10887696	1723.040013	2051	\$65.00	\$3,713.00
01/24	93	60590830	BEATENHEAD 786	2005	\$100.00	\$3,613.00
01/24	94	60590830	BEATENHEAD 786	2052	\$25.00	\$3,588.00
01/24	95	60590224	SINANAN 806	2005	\$51.30	\$3,536.70
01/24	96	60590224	SINANAN 806	2052	\$25.00	\$3,511.70
01/24	97	60590224	SINANAN 806	2251	\$60.00	\$3,451.70
01/25	53	60640627		2005	\$100.00	\$3,351.70
01/25	54	60640627		2052	\$25.00	\$3,326.70
01/25	69	60640628		2005	\$100.00	\$3,226.70
01/25	70	60640628		2052	\$25.00	\$3,201.70
01/25	71	60640629		2005	\$100.00	\$3,101.70
01/25	72	60640629		2052	\$25.00	\$3,076.70
01/25	84	60640681		2005	\$100.00	\$2,976.70
01/25	85	60640681		2052	\$25.00	\$2,951.70

? already  
taken  
out